

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Gellman et al.

SERIAL NO.: 09/738,378 **GROUP ART UNIT:** 3739

FILED: December 15, 2000 **EXAMINER:** Not Yet Assigned

TITLE: Bone Anchor Placement Device with Recessed Anchor Mount

DECLARATION OF CATHLEEN K. DYER UNDER 37 C.F.R. § 1.47(a)

This declaration is made as to the facts that are relied upon to establish the diligent efforts made to secure the execution of a Combined Declaration and Power of Attorney by Stephen P. Beaudet, a co-inventor of the claimed subject matter of the above-identified patent application, U.S. Serial No. 09/738,378 (hereinafter "the '378 application"). This declaration is made by Cathleen K. Dyer, the person having first-hand knowledge of the facts recited herein.

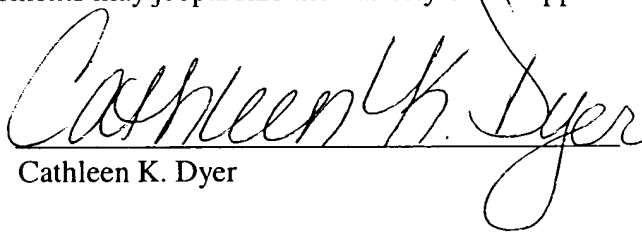
I, Cathleen K. Dyer, hereby declare as follows:

1. I am a legal assistant employed by Boston Scientific Corporation ("BSC") in Natick, Massachusetts.
2. Boston Scientific Corporation is a parent corporation of Scimed Life Systems, Inc. ("Scimed"), the assignee of the '378 application.
3. By letter of February 20, 2002 (Exhibit A), I caused to be mailed, via Federal Express, to Mr. Beaudet's residence at 82 Whitcomb Ave., Littleton, MA 01460, a copy of the application as filed, which included the specification, claims, and drawings. Mailed with the application were Combined Declaration and Power of Attorney and Assignment forms for his signature, so that formal requirements for obtaining a U.S. Patent could be completed.

4. On February 21, 2002, I obtained a copy of Federal Express' Track Shipment results (Exhibit B), which indicate that the package was received on February 21, 2002, and was signed for by B. Beaudet.
5. On February 26, 2002, I received a letter signed by Stephen P. Beaudet (Exhibit C), declining to execute the Combined Declaration and Power of Attorney and Assignment forms. There is no allegation in the letter that Messrs. Gellman, Sater, Morin, and Beaudet are not the properly named co-inventors of the subject matter claimed in the '378 application or that Scimed is not the owner of all right, title, and interest in the invention claimed therein. I have no reason to believe that Mr. Beaudet will be providing a signed Combined Declaration and Power of Attorney or Assignment form.
6. This Declaration is being filed to preserve the rights of the parties and to prevent irreparable damage that may result from abandonment of the '378 application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 4 April 2002


Cathleen K. Dyer

| | | | | | | | | | |
|--|--|---|-----------|------------------------|----|---------|------------|-------------|-----|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | | | |
| Steven P. | | | | Beaudet | | | | | |
| Inventor's Signature | | | | | | Date | | | |
| Residence | | City | Littleton | State | MA | Country | US | Citizenship | USA |
| Mailing Address | | 82 Whitcomb Avenue | | | | | | | |
| Mailing Address (ln. 2) | | City | Littleton | State | MA | ZIP | 01460-1403 | Country | US |

FORCIER\1002\98.2012835_1

ASSIGNMENT

WHEREAS, We, Barry N. Gellman, Ghaleb A. Sater, Armand Morin, and Stephen P. Beaudet have invented one or more improvements in:

BONE ANCHOR PLACEMENT DEVICE WITH
RECESSED ANCHOR MOUNT

described in an application (or provisional application) for Letters Patent of the United States:

☐ identified by Attorney Docket No. BSC-065CP, and/or executed by us of even date herewith and about to be filed in the United States Patent Office;

☒ Serial No. 09/738,378 filed in the United States Patent Office on December 15, 2000; and

WHEREAS, SCIMED Life Systems, Inc. (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the State of Minnesota, and having a usual place of business at One SCIMED Place, Maple Grove, MN 55311-1566, desires to acquire an interest therein, in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns, and legal representatives, our entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to the inventions described in said application, together with our entire right, title and interest in and to said application and such Letters Patent as may issue thereon or claim priority under international convention, including but not limited to continuations, divisionals, reissues, and reexaminations of said application of such Letters Patent; said inventions, applications and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all of our rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of our entire right, title and interest in and to said inventions, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all Letters Patent to ASSIGNEE for its own name as assignee of our entire right, title and interest therein.

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns, and legal representatives, but at its or their expense and charges, including: the execution of applications for patents in foreign countries; the execution of substitution, reissue, divisional or continuation applications; and preliminary or other statements or the giving of testimony in any interference or other proceeding in which said inventions or any application or patent directed thereto may be involved; and

Joint Assignment

Page 2

we further hereby authorize ASSIGNEE or its attorneys or agents to insert the correct serial number and filing date into this assignment, if none is indicated on that date of our execution of this assignment;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

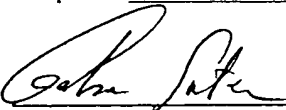
IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor: _____
Barry N. Gellman

Commonwealth of Massachusetts)
County of) ss


Subscribed and sworn to before me, by the above-named Barry N. Gellman this _____ day of _____, 2001.

Notary Public
My Commission Expires: _____

Inventor: 
Ghaleb A. Sater

Commonwealth of Massachusetts)
County of) ss

Subscribed and sworn to before me, by the above-named Ghaleb A. Sater this 6 day of February, 2001.


Notary Public
My Commission Expires: 12/2/05

Joint Assignment
Page 2

we further hereby authorize ASSIGNEE or its attorneys or agents to insert the correct serial number and filing date into this assignment, if none is indicated on that date of our execution of this assignment;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

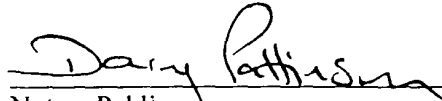
IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor:


Barry N. Gellman

Commonwealth of Massachusetts)
County of Middlesex) ss

Subscribed and sworn to before me, by the above-named Barry N. Gellman this 14th day of February, 2001.


Notary Public
My Commission Expires Darryl R. Pattinson
NOTARY PUBLIC
My commission ends May 25, 2001

Inventor:

Ghaleb A. Sater

Commonwealth of Massachusetts)
County of) ss

Subscribed and sworn to before me, by the above-named Ghaleb A. Sater this _____ day of _____, 2001.

Notary Public
My Commission Expires: _____

Inventor:

Armand A. Morin
Armand Morin

Commonwealth of Massachusetts)
County of Middlesex) ss

Subscribed and sworn to before me, by the above-named Armand Morin this 14th day of February, 2001.

Darry R. Pattinson
Notary Public
My Commission Expires: Darry R. Pattinson
NOTARY PUBLIC
My commission exp May 25, 2001

Inventor:

Stephen P. Beaudet

Commonwealth of Massachusetts)
County of _____) ss

Subscribed and sworn to before me, by the above-named Stephen P. Beaudet this _____ day of _____, 2001.

Notary Public
My Commission Expires: _____

| | | |
|---|---------------------------|-------------------|
| DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION <input type="checkbox"/> Declaration <input checked="" type="checkbox"/> Declaration Submitted with Submitted after Initial Initial Filing Filing (surcharge 37 CFR 1.16(e) required) | Attorney Docket No. | BSC-065CP |
| | First Named Inventor | Gellman |
| | COMPLETE IF KNOWN | |
| | Application Serial Number | Not Assigned |
| | Filing Date | December 15, 2000 |
| | Group Art Unit | Not Assigned |
| Examiner Name | Not Assigned | |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Bone Anchor Placement Device with Recessed Anchor Mount

(Title of the Invention)

the specification of which

☐ is attached hereto
OR

☒ was filed on
(MM/DD/YYYY)

12/15/00

as United States Application Serial Number or PCT International

Application Number

And was amended on
(MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent Office all information known by me to be material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

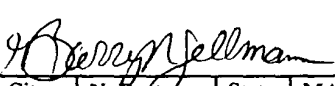
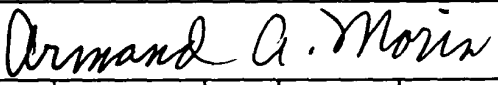
| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
| | | | <input type="checkbox"/> | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Serial Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application serial numbers are listed on a supplemental priority data sheet attached hereto. |
|------------------------------|--------------------------|--|
| | | |
| | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | | | | | | | |
|--|--|---|------------|-------|------------------------|---------|------------|-------------|---------|--|
| Name of Sole or First Inventor: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Barry N. | | | | | Gellman | | | | | |
| Inventor's Signature | |  | | | | | Date | | 2/1/01 | |
| Residence | | City | N. Eastern | State | MA | Country | US | Citizenship | USA | |
| Mailing Address | | 19 Pebble Brook Road | | | | | | | | |
| Mailing Address (ln. 2) | | City | N. Eastern | State | MA | ZIP | 02356-1300 | Country | US | |
| <input type="checkbox"/> Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) attached hereto. | | | | | | | | | | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Ghaleb A. | | | | | Sater | | | | | |
| Inventor's Signature | | | | | | | Date | | | |
| Residence | | City | Lynnfield | State | MA | Country | US | Citizenship | USA | |
| Mailing Address | | 1200 Salem Street Unit No. 123 | | | | | | | | |
| Mailing Address (ln. 2) | | City | Lynnfield | State | MA | ZIP | 01940 | Country | US | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Armand | | | | | Morin | | | | | |
| Inventor's Signature | |  | | | | | Date | | 2/14/01 | |
| Residence | | City | Berkley | State | MA | Country | US | Citizenship | USA | |
| Mailing Address | | 24 Locust Street | | | | | | | | |
| Mailing Address (ln. 2) | | City | Berkley | State | MA | ZIP | 02779 | Country | US | |

Declaration and Power of Attorney for Utility or Design Patent Application

Serial No.

Atty. Docket No. BSC-065CP

Page 2 of 4

DECLARATION – Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Parent Serial Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|------------------------------------|---|
| 09/309,816 | 5/11/1999 | |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below

| Name | Registration Number | Name | Registration Number |
|------------------------|---------------------|-----------------------|---------------------|
| Michael J. Bastian | P-47,411 | Kurt W. Lockwood | 40,704 |
| Steven M. Bauer | 31,481 | Thomas C. Meyers | 36,989 |
| Elias C. Behrakis | P-47,416 | Joseph B. Milstein | 42,897 |
| John V. Bianco | 36,748 | David G. Miranda | 42,898 |
| Isabelle A.S. Blundell | 43,321 | Ronda P. Moore | 44,244 |
| Maureen A. Bresnahan | 44,559 | Indranil Mukerji | P-46,944 |
| Michael H. Brodowski | 41,640 | Edmund R. Pitcher | 27,829 |
| Jennifer A. Camacho | 43,526 | Michael A. Rodriguez | 41,274 |
| Joseph A. Capraro, Jr. | 36,471 | Jamie H. Rose | 45,054 |
| John J. Cotter | 38,116 | R. Stephen Rosenholm | 45,283 |
| John V. Forcier | 42,545 | Christopher W. Stamos | 35,370 |
| Steven J. Frank | 33,497 | Diana M. Steel | 43,153 |
| Kia L. Freeman | P-47,577 | Joseph P. Sullivan | 45,349 |
| Brian M. Gaff | 44,691 | Robert J. Tosti | 35,393 |
| Michael J. Giannetta | 42,574 | Thomas A. Turano | 35,722 |
| Duncan A. Greenhalgh | 38,678 | Michael J. Twomey | 38,349 |
| William G. Guerin | 41,047 | Christine C. Vito | 39,061 |
| Jonathan A. Harris | 44,744 | Patrick R.H. Waller | 41,418 |
| Ira V. Heffan | 41,059 | Daniel A. Wilson | 45,508 |
| Danielle L. Herritt | 43,670 | Gerald E. Worth | 45,238 |
| Douglas J. Kline | 35,574 | Yin P. Zhang | 44,372 |
| John D. Lanza | 40,060 | | |

☐ Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to:

Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

Declaration and Power of Attorney for Utility or Design Patent Application

Serial No.

Atty. Docket No. BSC-065CP

Page 4 of 4

| | | | | | | | |
|--|--------------------|-----------|-------|---|---------|------------|-------------|
| Name of Additional Joint Inventor, if any: | | | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| Steven P. | | | | Beaudet | | | |
| Inventor's Signature | | | | | | Date | |
| Residence | City | Littleton | State | MA | Country | US | Citizenship |
| Mailing Address | 82 Whitcomb Avenue | | | | | | |
| Mailing Address (ln. 2) | City | Littleton | State | MA | ZIP | 01460-1403 | Country |
| | | | | | | | US |

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NO. EV260609430US

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|---|---------------------------|-------------------|
| DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION <input type="checkbox"/> Declaration <input checked="" type="checkbox"/> Declaration Submitted with Submitted after Initial Initial Filing Filing (surcharge 37 CFR 1.16(e) required) | Attorney Docket No. | BSC-065CP |
| | First Named Inventor | Gellman |
| | COMPLETE IF KNOWN | |
| | Application Serial Number | Not Assigned |
| | Filing Date | December 15, 2000 |
| | Group Art Unit | Not Assigned |
| | Examiner Name | Not Assigned |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Bone Anchor Placement Device with Recessed Anchor Mount

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☐ is attached hereto
OR

☒ was filed on
(MM/DD/YYYY)

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Application Number

And was amended on
(MM/DD/YYYY)

(if applicable).

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| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
| | | | <input type="checkbox"/> | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

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| U.S. Parent Application or PCT Parent Serial Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
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| 09/309,816 | 5/11/1999 | |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below

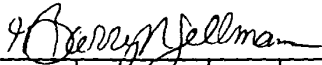

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| Elias C. Behrakis | P-47,416 | Joseph B. Milstein | 42,897 |
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| Maureen A. Bresnahan | 44,559 | Indranil Mukerji | P-46,944 |
| Michael H. Brodowski | 41,640 | Edmund R. Pitcher | 27,829 |
| Jennifer A. Camacho | 43,526 | Michael A. Rodriguez | 41,274 |
| Joseph A. Capraro, Jr. | 36,471 | Jamie H. Rose | 45,054 |
| John J. Cotter | 38,116 | R. Stephen Rosenholm | 45,283 |
| John V. Forcier | 42,545 | Christopher W. Stamos | 35,370 |
| Steven J. Frank | 33,497 | Diana M. Steel | 43,153 |
| Kia L. Freeman | P-47,577 | Joseph P. Sullivan | 45,349 |
| Brian M. Gaff | 44,691 | Robert J. Tosti | 35,393 |
| Michael J. Giannetta | 42,574 | Thomas A. Turano | 35,722 |
| Duncan A. Greenhalgh | 38,678 | Michael J. Twomey | 38,349 |
| William G. Guerin | 41,047 | Christine C. Vito | 39,061 |
| Jonathan A. Harris | 44,744 | Patrick R.H. Waller | 41,418 |
| Ira V. Heffan | 41,059 | Daniel A. Wilson | 45,508 |
| Danielle L. Herritt | 43,670 | Gerald E. Worth | 45,238 |
| Douglas J. Kline | 35,574 | Yin P. Zhang | 44,372 |
| John D. Lanza | 40,060 | | |

☐ Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to:

Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | | | | | | | |
|--|--|---|------------|-------|----|------------------------|------------|-------------|---------|--|
| Name of Sole or First Inventor: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | | Family Name or Surname | | | | |
| Barry N. | | | | | | Gellman | | | | |
| Inventor's Signature | |  | | | | | Date | | 2/1/01 | |
| Residence | | City | N. Eastern | State | MA | Country | US | Citizenship | USA | |
| Mailing Address | | 19 Pebble Brook Road | | | | | | | | |
| Mailing Address (In. 2) | | City | N. Eastern | State | MA | ZIP | 02356-1300 | Country | US | |
| <input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto. | | | | | | | | | | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | | Family Name or Surname | | | | |
| Ghaleb A. | | | | | | Sater | | | | |
| Inventor's Signature | | | | | | | Date | | | |
| Residence | | City | Lynnfield | State | MA | Country | US | Citizenship | USA | |
| Mailing Address | | 1200 Salem Street Unit No. 123 | | | | | | | | |
| Mailing Address (In. 2) | | City | Lynnfield | State | MA | ZIP | 01940 | Country | US | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | | Family Name or Surname | | | | |
| Armand | | | | | | Morin | | | | |
| Inventor's Signature | |  | | | | | Date | | 2/14/01 | |
| Residence | | City | Berkley | State | MA | Country | US | Citizenship | USA | |
| Mailing Address | | 24 Locust Street | | | | | | | | |
| Mailing Address (In. 2) | | City | Berkley | State | MA | ZIP | 02779 | Country | US | |

| | | | | | | | | | |
|--|--|---|-----------|------------------------|----|---------|------------|-------------|-----|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | | | |
| Steven P. | | | | Beaudet | | | | | |
| Inventor's Signature | | | | | | Date | | | |
| Residence | | City | Littleton | State | MA | Country | US | Citizenship | USA |
| Mailing Address | | 82 Whitcomb Avenue | | | | | | | |
| Mailing Address (ln. 2) | | City | Littleton | State | MA | ZIP | 01460-1403 | Country | US |

FORCIER\1002\98.2012835_1

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | | | | | | | |
|--|------|---|-------|----|------------------------|------------|-------------|-----|--------|--|
| Name of Sole or First Inventor: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Barry N. | | | | | Gellman | | | | | |
| Inventor's Signature | | | | | | | Date | | | |
| Residence | City | N. Eastern | State | MA | Country | US | Citizenship | USA | | |
| Mailing Address | | 19 Pebble Brook Road | | | | | | | | |
| Mailing Address (ln. 2) | City | N. Eastern | State | MA | ZIP | 02356-1300 | Country | US | | |
| <input type="checkbox"/> Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) attached hereto. | | | | | | | | | | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Ghaleb A. | | | | | Sater | | | | | |
| Inventor's Signature | | | | | | | Date | | 2/6/01 | |
| Residence | City | Lynnfield | State | MA | Country | US | Citizenship | USA | | |
| Mailing Address | | 1200 Salem Street Unit No. 123 | | | | | | | | |
| Mailing Address (ln. 2) | City | Lynnfield | State | MA | ZIP | 01940 | Country | US | | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Armand | | | | | Morin | | | | | |
| Inventor's Signature | | | | | | | Date | | | |
| Residence | City | Berkley | State | MA | Country | US | Citizenship | USA | | |
| Mailing Address | | 24 Locust Street | | | | | | | | |
| Mailing Address (ln. 2) | City | Berkley | State | MA | ZIP | 02779 | Country | US | | |

COPY

EXPRESS MAIL MAILING LABEL
NO. EV26060943045

PATENT
ATTORNEY DOCKET NO. BSC-065CP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Gellman et al.
SERIAL NO.: 09/738,378 GROUP ART UNIT: 3739
FILED: December 15, 2000 EXAMINER: Not Yet Assigned
TITLE: Bone Anchor Placement Device with Recessed Anchor Mount

DECLARATION OF SCOTT T. BLUNI UNDER 37 C.F.R. § 1.47(a)

This declaration is made as to the facts which are relied upon to establish the diligent efforts made to secure the execution of a Combined Declaration and Power of Attorney by Stephen P. Beaudet, a co-inventor of the claimed subject matter of the above-identified patent application, U.S. Serial No. 09/738,378 (hereinafter "the '378 application"). This declaration is made by Scott T. Bluni, the person having first-hand knowledge of the facts recited herein.

I, Scott T. Bluni, hereby declare as follows:

1. I am a Patent Attorney with Boston Scientific Corporation, and I am authorized to act on behalf of the assignee of the '378 application, Scimed Life Systems, Inc., by virtue of the attached executed Limited Authorization to Act on Behalf of Assignee (Exhibit A).
2. Barry N. Gellman, Ghaleb A. Sater, Armand Morin, and Stephen P. Beaudet are named co-inventors of the subject matter of the '378 patent application, caused to be filed in the U.S. Patent Office on December 15, 2000.
3. The subject matter of the '378 application was conceived and reduced to practice while Messrs. Gellman, Sater, Morin, and Beaudet were employed by Boston Scientific Corporation. Mr. Beaudet is no longer employed by Boston Scientific Corporation.
4. By letter of February 1, 2001 (Exhibit B), I caused to be mailed to Mr. Beaudet's residence at 82 Whitcomb Ave., Littleton, MA 01460, a Combined Declaration and Power of Attorney

and Assignment forms for his signature so that formal requirements for obtaining a U.S. Patent could be completed.

5. I received a letter signed by Stephen P. Beaudet, dated February 6, 2001 (Exhibit C), declining to execute the Combined Declaration and Power of Attorney and Assignment forms. There is no allegation in the letter that Messrs. Gellman, Sater, Morin, and Beaudet are not the properly named co-inventors of the subject matter claimed in the '378 application or that Scimed Life Systems, Inc. is not the owner of all right, title, and interest in the invention claimed therein. I have no reason to believe that Mr. Beaudet will be providing a signed Combined Declaration and Power of Attorney or Assignment form.
6. Messrs. Gellman, Sater, and Morin each executed the Combined Declaration and Power of Attorney form (Exhibit D) on February 1, 2001, February 6, 2001, and February 14, 2001, respectively.
7. Messrs. Gellman, Sater, and Morin each executed the Assignment form (Exhibit E) on February 14, 2001, February 6, 2001, and February 14, 2001, respectively.
8. This Declaration is being filed to preserve the rights of the parties and to prevent irreparable damage that may result from abandonment of the '378 application.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 26 APRIL 2001



Scott T. Blum

AMS Medinvent S.A.; Boston Scientific BV; Boston Scientific Corporation Northwest Technology Center, Inc.; Boston Scientific Ireland Limited; Boston Scientific Japan KK, Boston Scientific Limited; Boston Scientific Scimed, Inc. (formerly known as Schneider (USA), Inc.); Boston Scientific Technology, Inc.; BSC Technology, Inc.; CardioGene Therapeutics, Inc.; Cardiovascular Imaging Systems, Inc.; Cardiovascular Innovations Canada, Inc.; Corvita Canada, Inc.; Corvita Corporation; Corvita Europe S.A.; E.P. Technologies, Inc.; Laboratoires Corvita S.A.R.L.; Meadox Medicals, Inc.; Meadox Technology, Inc.; NAMIC Caribe, Inc.; NAMIC Eireann Limited; NAMIC International, Inc.; Nilo Holding, S.A.; Schneider (Europe) GmbH; Schneider Belgium NV; Schneider Holland BV; Schneider Ireland BV; Schneider Puerto Rico; Schneider/NAMIC; Scimed Life Systems, Inc.; Scimed Technology, Inc.; Symbiosis Corporation; and Target Therapeutics, Inc.;

| | |
|--------------------------|-----------------|
| Scott T. Bluni | Reg. No. 40,916 |
| Mark J. Casey | Reg. No. 37,796 |
| David L. Cavanaugh | Reg. No. 36,476 |
| Luke R. Dohmen | Reg. No. 36,783 |
| Peter J. Gafner | Reg. No. 36,517 |
| Albert K. Kau | Reg. No. 40,672 |
| Steven A. McAuley | Reg. No. 46,084 |
| Todd P. Messal | Reg. No. 42,883 |
| Robert M. Rauker | Reg. No. 40,782 |
| William J. Shaw | Reg. No. 43,111 |

January 3, 2001
Date

COMMONWEALTH OF MASSACHUSETTS)
)
) ss
COUNTY OF MIDDLESEX)

On this 3rd day of January, 2001 before me personally appeared Paul W. Sandman to me known and known to me to be the person described in and who executed the foregoing instrument, and he duly acknowledged to me that he executed the same for the uses and purposes set forth herein.

Suzanne E. Hurd
Notary Public

- NONA E. HURD
NOTARY PUBLIC
My Commission Expires Oct. 4, 2009

References

Boston Scientific

Boston Scientific Corporation
One Boston Scientific Place
Natick, MA 01760-1537
508.650.8000
www.bsci.com

February 1, 2001

Via Federal Express

rec'd
rec'd
Mr. Ghaleb A. Sater
1200 Salem Street
Unit No. 123
Lynnfield, MA 01940

4469 7837 0709

Mr. Steven P. Beaudet
82 Whitcomb Avenue
Littleton, MA 01460-1403

4469 7837 0694

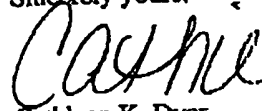
Re: "Bone Anchor Placement Device with Recessed Anchor Mount"
~~98-P0009CIP~~ 98-P0105CIP

Dear Messrs. Sater and Beaudet:

The above-referenced parent application was filed December 15, 2000. Enclosed you will find the Declaration and Assignment documents that need to be signed by the inventors. Please sign where indicated in blue ink and have the Assignment notarized as well. I have enclosed a Federal Express envelope to return the executed documents to me. If you have any questions, do not hesitate to contact us.

Thank you for your prompt attention to this matter.

Sincerely yours,



Cathleen K. Dyer
Legal Assistant to
Scott T. Bluni

:ckd

Enclosures

From: CATHIE OVER (508)652-5545
BOSTON SCIENTIFIC CORPORATION
ONE BOSTON SCIENTIFIC PLACE

SHIPPER'S FEDEX ACCOUNT #



FedEx.

NATICK, MA, 01780

To: Mr. Steven P. Beaudet (508)652-5646

SHIP DATE: 01FEB01
WEIGHT: 1.188

82 Whitcomb Avenue

Littleton, MA, 014601403

Ref: 10032



TRK # 7919 6160 7435

PRIORITY OVERNIGHT

BOS

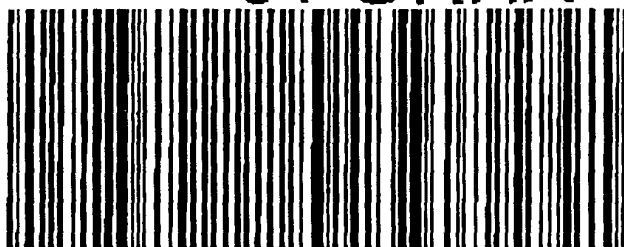
01460-MA-US

01 ORHA

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Deliver by:
02FEB01



Shipping Label



1. Use the "Print" feature from your browser to send this page to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping label pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
4. To print a receipt of your shipment, please click on "Shipping History."

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Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available upon request.

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$500, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

Mr. Scott T. Bluni
Boston Scientific Corp.
One Boston Scientific Place
Natick, MA 01760

Scott,

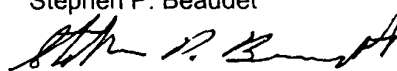
I decline to sign the enclosed documents under protest of the BSC patent award policy. Company "loyalty" aside, It is my firm belief that attending to one's own best interests should in no way disqualify a now- former employee from receiving the same, deserved, monetary recognition for contribution to a company-owned patent that a current employee receives. The time scale of the process is the major factor; had it not taken 3 years to reach this stage, I surely would have received the award for the work, finished long ago.

In my 11 -plus loyal years of service at BSC, I made many significant contributions to product development; to be compensated in a small way for the vast benefit that the company reaps due in part to one of those contributions seems a small sacrifice by the company. Had I known I would be denied this for removing myself from what I considered a deteriorating work environment, I may not have contributed so enthusiastically to the project.

Based on these arguments, I propose that this policy be changed, beginning with me. Perhaps length of service or circumstances of termination should be a consideration in the policy.

I apologize in advance for any inconvenience this causes you and others involved, but I strongly believe I am doing the right thing in principle.

Regards,
Stephen P. Beaudet



FEB 6, 2001

ASSIGNMENT

WHEREAS, We, Barry N. Gellman, Ghaleb A. Sater, Armand Morin, and Stephen P. Beaudet have invented one or more improvements in:

**BONE ANCHOR PLACEMENT DEVICE WITH
RECESSED ANCHOR MOUNT**

described in an application (or provisional application) for Letters Patent of the United States:

☒ identified by Attorney Docket No. BSC-065CP, and/or executed by us of even date herewith and about to be filed in the United States Patent Office;

☐ Serial No. filed in the United States Patent Office on December 15, 2000; and

WHEREAS, SCIMED Life Systems, Inc. (hereinafter "ASSIGNEE"), a corporation organized and existing under the laws of the State of Minnesota, and having a usual place of business at One SCIMED Place, Maple Grove, MN 55311-1566, desires to acquire an interest therein, in accordance with agreements duly entered into with us;

NOW, THEREFORE, to all whom it may concern be it known that for and in consideration of said agreements and of other good and valuable consideration, the receipt of which is hereby acknowledged, we have sold, assigned and transferred and by these presents do hereby sell, assign and transfer unto said ASSIGNEE, its successors, assigns, and legal representatives, our entire right, title and interest in and throughout the United States of America, its territories and all foreign countries, in and to the inventions described in said application, together with our entire right, title and interest in and to said application and such Letters Patent as may issue thereon or claim priority under international convention, including but not limited to continuations, divisionals, reissues, and reexaminations of said application of such Letters Patent; said inventions, applications and Letters Patent to be held and enjoyed by said ASSIGNEE for its own use and behalf and for its successors, assigns and legal representatives, to the full end of the term for which said Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made; we hereby convey all of our rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property by filing any such applications for Letters Patent. We hereby acknowledge that this assignment, being of our entire right, title and interest in and to said inventions, carries with it the right in ASSIGNEE to apply for and obtain from competent authorities in all countries of the world any and all Letters Patent by attorneys and agents of ASSIGNEE's selection and the right to procure the grant of all Letters Patent to ASSIGNEE for its own name as assignee of our entire right, title and interest therein.

AND, we hereby further agree for ourselves and our executors and administrators to execute upon request any other lawful documents and likewise to perform any other lawful acts which may be deemed necessary to secure fully the aforesaid invention to said ASSIGNEE, its successors, assigns, and legal representatives, but at its or their expense and charges, including: the execution of applications for patents in foreign countries; the execution of substitution, reissue, divisional or continuation applications; and preliminary or other statements or the giving of testimony in any interference or other proceeding in which said inventions or any application or patent directed thereto may be involved; and

Joint Assignment

Page 2

we further hereby authorize ASSIGNEE or its attorneys or agents to insert the correct serial number and filing date into this assignment, if none is indicated on that date of our execution of this assignment;

AND, we do hereby authorize and request the Commissioner of Patents of the United States to issue such Letters Patent as shall be granted upon said application or applications based thereon to said ASSIGNEE, its successors, assigns, and legal representatives.

IN TESTIMONY WHEREOF, we have hereunto set our hands and affixed our seals the date set forth below.

Inventor: _____
Barry N. Gellman

Commonwealth of Massachusetts)
County of) ss

Subscribed and sworn to before me, by the above-named Barry N. Gellman this _____ day of _____, 2001.

Notary Public
My Commission Expires: _____

Inventor: _____
Ghaleb A. Sater

Commonwealth of Massachusetts)
County of) ss

Subscribed and sworn to before me, by the above-named Ghaleb A. Sater this _____ day of _____, 2001.

Notary Public
My Commission Expires: _____

Inventor: _____
Armand Morin

Commonwealth of Massachusetts)
County of _____) ss

Subscribed and sworn to before me, by the above-named Armand Morin this _____ day of _____, 2001.

Notary Public
My Commission Expires: _____

Inventor: ~~VOID~~^{ssb}
Stephen P. Beaudet

Commonwealth of Massachusetts)
County of ESSEX) ss

Subscribed and sworn to before me, by the above-named Stephen P. Beaudet this 3rd day of FEBRUARY, 2001.

~~VOID~~
Notary Public
My Commission Expires: 4/1/02

| | | |
|---|---------------------------|-------------------|
| DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION <input type="checkbox"/> Declaration <input checked="" type="checkbox"/> Declaration Submitted with Submitted after Initial Initial Filing Filing (surcharge 37 CFR 1.16(e) required) | Attorney Docket No. | BSC-065CP |
| | First Named Inventor | Gellman |
| | COMPLETE IF KNOWN | |
| | Application Serial Number | Not Assigned |
| | Filing Date | December 15, 2000 |
| | Group Art Unit | Not Assigned |
| | Examiner Name | Not Assigned |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Bone Anchor Placement Device with Recessed Anchor Mount
(Title of the Invention)

the specification of which

☐ is attached hereto
OR
☒ was filed on

12/15/00

 as United States Application Serial Number or PCT International
(MM/DD/YYYY)

Application Number And was amended on (if applicable).
(MM/DD/YYYY)

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent Office all information known by me to be material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|--|---------|-------------------------------------|--------------------------|--------------------------|--------------------------|
| | | | | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Serial Number(s) | Filing Date (MM/DD/YYYY) |
|------------------------------|--------------------------|
| | |

☐ Additional provisional application serial numbers are listed on a supplemental priority data sheet attached hereto.

DECLARATION – Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Parent Serial Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|------------------------------------|---|
| 09/309,816 | 5/11/1999 | |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below



Place Customer
Number Bar Code
Label Here

| Name | Registration Number | Name | Registration Number |
|------------------------|---------------------|-----------------------|---------------------|
| Michael J. Bastian | P-47,411 | Kurt W. Lockwood | 40,704 |
| Steven M. Bauer | 31,481 | Thomas C. Meyers | 36,989 |
| Elias C. Behrakis | P-47,416 | Joseph B. Milstein | 42,897 |
| John V. Bianco | 36,748 | David G. Miranda | 42,898 |
| Isabelle A.S. Blundell | 43,321 | Ronda P. Moore | 44,244 |
| Maureen A. Bresnahan | 44,559 | Indranil Mukerji | P-46,944 |
| Michael H. Brodowski | 41,640 | Edmund R. Pitcher | 27,829 |
| Jennifer A. Camacho | 43,526 | Michael A. Rodriguez | 41,274 |
| Joseph A. Capraro, Jr. | 36,471 | Jamie H. Rose | 45,054 |
| John J. Cotter | 38,116 | R. Stephen Rosenholm | 45,283 |
| John V. Forcier | 42,545 | Christopher W. Stamos | 35,370 |
| Steven J. Frank | 33,497 | Diana M. Steel | 43,153 |
| Kia L. Freeman | P-47,577 | Joseph P. Sullivan | 45,349 |
| Brian M. Gaff | 44,691 | Robert J. Tosti | 35,393 |
| Michael J. Giannetta | 42,574 | Thomas A. Turano | 35,722 |
| Duncan A. Greenhalgh | 38,678 | Michael J. Twomey | 38,349 |
| William G. Guerin | 41,047 | Christine C. Vito | 39,061 |
| Jonathan A. Harris | 44,744 | Patrick R.H. Waller | 41,418 |
| Ira V. Heffan | 41,059 | Daniel A. Wilson | 45,508 |
| Danielle L. Herriott | 43,670 | Gerald E. Worth | 45,238 |
| Douglas J. Kline | 35,574 | Yin P. Zhang | 44,372 |
| John D. Lanza | 40,060 | | |

☐ Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to:

Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | | | | | | | |
|--|--|---|------------|-------|------------------------|---------|------------|-------------|-----|--|
| Name of Sole or First Inventor: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Barry N. | | | | | Gellman | | | | | |
| Inventor's Signature | | | | | | | Date | | | |
| Residence | | City | N. Eastern | State | MA | Country | US | Citizenship | USA | |
| Mailing Address | | 19 Pebble Brook Road | | | | | | | | |
| Mailing Address (ln. 2) | | City | N. Eastern | State | MA | ZIP | 02356-1300 | Country | US | |
| <input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto. | | | | | | | | | | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Ghaleb A. | | | | | Sater | | | | | |
| Inventor's Signature | | | | | | | Date | | | |
| Residence | | City | Lynnfield | State | MA | Country | US | Citizenship | USA | |
| Mailing Address | | 1200 Salem Street Unit No. 123 | | | | | | | | |
| Mailing Address (ln. 2) | | City | Lynnfield | State | MA | ZIP | 01940 | Country | US | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Armand | | | | | Morin | | | | | |
| Inventor's Signature | | | | | | | Date | | | |
| Residence | | City | Berkley | State | MA | Country | US | Citizenship | USA | |
| Mailing Address | | 24 Locust Street | | | | | | | | |
| Mailing Address (ln. 2) | | City | Berkley | State | MA | ZIP | 02779 | Country | US | |

| | | | | | | | |
|--|--------------------|-----------|-------|---|---------|------------|-------------|
| Name of Additional Joint Inventor, if any: | | | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| Steven P. PO STEPHEN P. | | | | Beaudet | | | |
| Inventor's Signature | | | | | | Date | |
| Residence | City | Littleton | State | MA | Country | US | Citizenship |
| Mailing Address | 82 Whitcomb Avenue | | | | | | |
| Mailing Address (ln. 2) | City | Littleton | State | MA | ZIP | 01460-1403 | Country |
| | | | | | | | US |

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| | | |
|---|---------------------------|-------------------|
| DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN PATENT APPLICATION <input type="checkbox"/> Declaration <input checked="" type="checkbox"/> Declaration Submitted with Submitted after Initial Initial Filing Filing (surcharge 37 CFR 1.16(e) required) | Attorney Docket No. | BSC-065CP |
| | First Named Inventor | Gellman |
| | COMPLETE IF KNOWN | |
| | Application Serial Number | Not Assigned |
| | Filing Date | December 15, 2000 |
| | Group Art Unit | Not Assigned |
| | Examiner Name | Not Assigned |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Bone Anchor Placement Device with Recessed Anchor Mount

(Title of the Invention)

the specification of which

☐ is attached hereto
OR

☒ was filed on
(MM/DD/YYYY)

12/15/00

as United States Application Serial Number or PCT International

Application Number

And was amended on
(MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose to the Patent Office all information known by me to be material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|--|---------|-------------------------------------|--------------------------|------------------------------|-----------------------------|
| | | | <input type="checkbox"/> | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

| Application Serial Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application serial numbers are listed on a supplemental priority data sheet attached hereto. |
|------------------------------|--------------------------|---|
| | | |

DECLARATION – Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Parent Serial Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|------------------------------------|---|
| 09/309,816 | 5/11/1999 | |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below


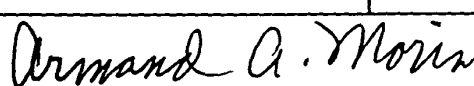
| Name | Registration Number | Name | Registration Number |
|------------------------|---------------------|-----------------------|---------------------|
| Michael J. Bastian | P-47,411 | Kurt W. Lockwood | 40,704 |
| Steven M. Bauer | 31,481 | Thomas C. Meyers | 36,989 |
| Elias C. Behrakis | P-47,416 | Joseph B. Milstein | 42,897 |
| John V. Bianco | 36,748 | David G. Miranda | 42,898 |
| Isabelle A.S. Blundell | 43,321 | Ronda P. Moore | 44,244 |
| Maureen A. Bresnahan | 44,559 | Indranil Mukerji | P-46,944 |
| Michael H. Brodowski | 41,640 | Edmund R. Pitcher | 27,829 |
| Jennifer A. Camacho | 43,526 | Michael A. Rodriguez | 41,274 |
| Joseph A. Capraro, Jr. | 36,471 | Jamie H. Rose | 45,054 |
| John J. Cotter | 38,116 | R. Stephen Rosenholm | 45,283 |
| John V. Forcier | 42,545 | Christopher W. Stamos | 35,370 |
| Steven J. Frank | 33,497 | Diana M. Steel | 43,153 |
| Kia L. Freeman | P-47,577 | Joseph P. Sullivan | 45,349 |
| Brian M. Gaff | 44,691 | Robert J. Tosti | 35,393 |
| Michael J. Giannetta | 42,574 | Thomas A. Turano | 35,722 |
| Duncan A. Greenhalgh | 38,678 | Michael J. Twomey | 38,349 |
| William G. Guerin | 41,047 | Christine C. Vito | 39,061 |
| Jonathan A. Harris | 44,744 | Patrick R.H. Waller | 41,418 |
| Ira V. Heffan | 41,059 | Daniel A. Wilson | 45,508 |
| Danielle L. Herritt | 43,670 | Gerald E. Worth | 45,238 |
| Douglas J. Kline | 35,574 | Yin P. Zhang | 44,372 |
| John D. Lanza | 40,060 | | |

☐ Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to:

Patent Administrator
Testa, Hurwitz & Thibault, LLP
High Street Tower
125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | | | | | | | |
|--|------|---|-------|----|---------|------------------------|-------------|-----|---------|--|
| Name of Sole or First Inventor: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | | Family Name or Surname | | | | |
| Barry N. | | | | | | Gellman | | | | |
| Inventor's Signature | |  | | | | | Date | | 2/1/01 | |
| Residence | City | N. Eastern | State | MA | Country | US | Citizenship | USA | | |
| Mailing Address | | 19 Pebble Brook Road | | | | | | | | |
| Mailing Address (ln. 2) | City | N. Eastern | State | MA | ZIP | 02356-1300 | Country | US | | |
| <input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto. | | | | | | | | | | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | | Family Name or Surname | | | | |
| Ghaleb A. | | | | | | Sater | | | | |
| Inventor's Signature | | | | | | | Date | | | |
| Residence | City | Lynnfield | State | MA | Country | US | Citizenship | USA | | |
| Mailing Address | | 1200 Salem Street Unit No. 123 | | | | | | | | |
| Mailing Address (ln. 2) | City | Lynnfield | State | MA | ZIP | 01940 | Country | US | | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | | Family Name or Surname | | | | |
| Armand | | | | | | Morin | | | | |
| Inventor's Signature | |  | | | | | Date | | 2/14/01 | |
| Residence | City | Berkley | State | MA | Country | US | Citizenship | USA | | |
| Mailing Address | | 24 Locust Street | | | | | | | | |
| Mailing Address (ln. 2) | City | Berkley | State | MA | ZIP | 02779 | Country | US | | |

Declaration and Power of Attorney for Utility or Design Patent Application

Serial No.

Atty. Docket No. BSC-065CP

Page 3 of 4

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | | | | | | | | |
|--|--------------------------------|---|-------|----|------------------------|------------|-------------|-----|--------|--|
| Name of Sole or First Inventor: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Barry N. | | | | | Gellman | | | | | |
| Inventor's Signature | | | | | | | Date | | | |
| Residence | City | N. Eastern | State | MA | Country | US | Citizenship | USA | | |
| Mailing Address | 19 Pebble Brook Road | | | | | | | | | |
| Mailing Address (ln. 2) | City | N. Eastern | State | MA | ZIP | 02356-1300 | Country | US | | |
| <input type="checkbox"/> Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) attached hereto. | | | | | | | | | | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Ghaleb A. | | | | | Sater | | | | | |
| Inventor's Signature | | | | | | | Date | | 2/6/01 | |
| Residence | City | Lynnfield | State | MA | Country | US | Citizenship | USA | | |
| Mailing Address | 1200 Salem Street Unit No. 123 | | | | | | | | | |
| Mailing Address (ln. 2) | City | Lynnfield | State | MA | ZIP | 01940 | Country | US | | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | | | | |
| Given Name (first and middle [if any]) | | | | | Family Name or Surname | | | | | |
| Armand | | | | | Morin | | | | | |
| Inventor's Signature | | | | | | | Date | | | |
| Residence | City | Berkley | State | MA | Country | US | Citizenship | USA | | |
| Mailing Address | 24 Locust Street | | | | | | | | | |
| Mailing Address (ln. 2) | City | Berkley | State | MA | ZIP | 02779 | Country | US | | |